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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/544,127

03/03/2006

Bodo W Lambertz

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2387 7590 08/14/2007  
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EXAMINER

HOEY, ALISSA L

ART UNIT

PAPER NUMBER

3765

MAIL DATE

DELIVERY MODE

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

HH

## Office Action Summary

Application No.

10/544,127

Applicant(s)

LAMBERTZ, BODO W

Examiner

Alissa L. Hoey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

2. The drawings are objected to because the lines are not consistently thick and the identifier numbers are hard to read. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet; and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the air channels in the stepping area are connected with at least one climate channel of claims 6 and 20 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Claim Objections***

4. Claims 6 and 20 are objected to because of the following informalities: there is no antecedent basis for "the air channels in the stepping area" there is no previous

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mention of "air channels" in the stepping area only "climate channels". Appropriate correction is required.

5. Claims 6 and 20 are objected to because of the following informalities: it is unclear what is meant by claims 6 and 20, since the air channels having only been defined in the leg portion and not the stepping area. Are both the air channels and the climate channels located in the stepping area, or is one located in the stepping area and one located in the leg area? Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lambertz (US 6,286,151).

In regard to claim 1, Lambertz teaches a sock (1), especially for use in sports activities, characterized in that the sole presents a rounded stepping area (see figure 1).

In regard to claim 2, Lambertz teaches a sock according to Claim 1, characterized in that the rounded stepping area is designed in the shape of an arch (figure 1).

In regard to claim 3, Lambertz teaches a sock according to Claim 2, characterized in that the arch is directed outward (figure 1).

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In regard to claim 4, Lambertz teaches a sock according to Claim 1, characterized in that at least one climate channel (lower portion of 3) is provided in the stepping area (figure 1).

In regard to claim 5, Lambertz teaches a sock according to Claim 4, characterized in that the air channels (upper portion of 3) are provided on the inner side of the leg and/or on the outer side of the leg of the sock (figure 1).

In regard to claim 6, Lambertz teaches a sock according to Claim 5, characterized in that the air channels in the stepping area are connected with at least one climate channel (see figure 1).

In regard to claim 7, Lambertz teaches a sock according to Claim 6, characterized in that the climate channels (3) in the stepping area present an arc-shaped pattern (see arc of identifier 3 in figure 1).

In regard to claim 8, Lambertz teaches a sock according to Claim 7, characterized in that the climate channels (3) present partial narrowings (see figure 1).

In regard to claim 9, Lambertz teaches a sock according to Claim 8, characterized in that the climate channels (3) present a substantially circular cross section.

In regard to claim 10, Lambertz teaches a Sock according to Claim 9, characterized in that the climate channels (3) are interconnected by a central channel (see figure 8, identifiers 12 and 13).

In regard to claim 11, Lambertz teaches a sock according to Claim 10, characterized in that air channels (25) and the climate channels (26) are made of the

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same material.

In regard to claim 12, Lambertz teaches a sock according to Claim 11, characterized in that the air channel (3) consists of a climate regulating cross knitted fabric (column 1, lines 26-33).

In regard to claim 13, Lambertz teaches a sock according to Claim 12, characterized in that the climate channel (3) consists of a climate regulating cross knitted fabric (column 3, lines 32-45).

In regard to claim 14, Lambertz teaches a sock according to Claim 13, characterized in that sock is fitted with an X-Cross bandage (figure 1, identifier 9).

In regard to claim 15, Lambertz teaches a sock according to Claim 14, characterized in that the sock presents pads (10, 11, 6, 7 and 5).

In regard to claim 16, Lambertz teaches a sock according to Claim 2, characterized in that at least one climate channel (3) is provided in the stepping area (13).

In regard to claim 17, Lambertz teaches a sock according to Claim 2, characterized in that the air channels (3) are provided on the inner side of the leg and/or on the outer side of the leg of the sock.

In regard to claim 18, Lambertz teaches a sock according to Claim 3, characterized in that at least one climate channel (3) is provided in the stepping area (figures 1 and 8).

In regard to claim 19, Lambertz teaches a sock according to Claim 4, characterized in that at least one climate channel (3) is provided in the stepping area

(figures 1 and 8).

In regard to claim 20, Lambertz teaches a sock according to Claim 19, characterized in that the air channels (3) in the stepping area are connected with at least one climate channel (figures 1 and 8).


### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and can be found cited on PTO-892 form submitted herewith.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa L. Hoey whose telephone number is (571) 272-4985. The examiner can normally be reached on M-F (8:00-5:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
ALISSA HOEY  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 3700